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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,802

05/04/2005

Yeong-Chun Lee

PIP-101

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EXAMINER

FOX, JOHN C

ART UNIT

PAPER NUMBER

3753

NOTIFICATION DATE

DELIVERY MODE

08/17/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tracy@aquillapatents.com
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Office Action Summary	Application No. 10/533,802	Applicant(s) LEE, YEONG-CHUN	
	Examiner John Fox	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In view of the Appeal Brief filed on April 29, 2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Kevin P. Shaver/

Supervisory Patent Examiner, Art Unit 3754.

It is noted for the record that the substitute specification filed May 1, 2007 is located on pages 3-22 under document code REM.

Applicant filed copies of three Korean patent documents on May 4, 2005 that appear to be material to the examination of the instant case. It is not clear from the record who the inventive entities of those patents are, and whether they are Prior Art to the instant case. Applicant is requested to identify the inventive entities of the cited Korean patent documents.

The amendment filed May 1, 2007, submitting a Substitute Specification and Abstract, is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: disclosure of a built-in water service box, and attendant disclosure of a built-in flexible hose.

Applicant is required to cancel the new matter in the reply to this Office Action.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no original written description of a built-in water service box or a built-in flexible hose connecting a soft tube with a water tap. On the contrary, hose 9 is disclosed as being connected to the soft tube 34 with connector elements, variously 5, 6, and 7, attached to the hose and tube, not "built-in". The only original disclosure of "built-in" refers to a chest of drawer of the prior art.

Applicant's arguments filed in the Appeal Brief of March 18, 2010 have been fully considered but they are not persuasive. Applicant states that the specification and Figures disclose a "built-in", or integral, flexible hose when in fact no such disclosure is present. Applicant refers to various paragraph numbers but it is unclear what document

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is being referenced. Nothing in the original application discloses a built-in water service box or a built-in flexible hose, and none of the cited paragraphs in US 2006/0010784, the related PGP document, disclose a built-in water service box or a built-in flexible hose.

Moreover, both the original disclosure and the substitute specification of May 1, 2007 suggest that the invention contemplates a worker assembling the flexible hoses to the soft tube at the job site. There is certainly no disclosure of the flexible hose being preassembled to the soft tube and delivered to the final point of use in such a condition, nor of the flexible hose being attached to the service box in some way and delivered to the final point of use in such a condition, nor that the flexible hose is even disposed within the service box at the time it is delivered to a final point of use. No reasonable understanding of the term “built-in”, as regards the flexible hose, is conveyed to the reader of the original disclosure and there is no evidence that Applicant was in possession of the claimed water service box with a built-in flexible hose at the time the application was filed. The original disclosure instead only teaches a water service box that is built from the components described and recited in claim 5, *i. e.* a case, a flexible hose connecting a soft tube with a water tap, and a valve plate.

Claims 5-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recitation of a built-in flexible hose is indefinite in that no such built-in flexible hose is disclosed and the metes and bounds of the claim cannot be determined.

Claim 9 recites the limitation "said water outlet" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said reducing socket" in line 1. There is insufficient antecedent basis for this limitation in the claim in that the reducing socket of claim 6 relates to the hose to tube connection.

Applicant's arguments have been fully considered but they are not persuasive. The Examiner's comments above are incorporated herein. Since there is no disclosure of a flexible hose that is integral with a water service box case, as such language is commonly understood, and Applicant has argued that the claim recitation of "built-in" means that the flexible hose is integral with the case, the claim is indefinite under §112 because it is impossible to determine how the claim language distinguishes over the Prior Art teachings of separate elements connected together and, thus, what the metes and bounds of the claim are.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Nisley (US 3,470,901), of record.

Nisley discloses a case 74 that has a flexible hose 32 connecting a soft tube 22 with a fluid flow controller, see column 1, lines 14-16, or a flow controller 36, see column 6, lines 22-32, and a valve plate such as included with controller 36. In the alternative, face 78 is read as a valve plate. The recitation of water is considered as merely relating to intended use and is given no weight. The flow controller of Nisley is read as a tap.

Applicant's arguments filed November 14, 2007 have been reviewed but they are not persuasive.

Applicant argues that Nisley "does not have a built-in hose, or anything built-in for connecting a soft tube with a water tap and valve plate", page 2 of the Remarks, first full paragraph. This argument is consonant with arguments throughout the prosecution history of this case that the mere adjectival recitation of "built-in" distinguishes over Prior Art showing all of the same elements, arranged in the same manner and performing the same function as recited in the claims. Such argument is unpersuasive because it is meaningless. The instant disclosure is that the wall service box is built from the recited components, *i. e.* a case, a flexible hose connecting a soft tube with a water tap, and a valve plate. The Nisley wall service box is built from the same components as recited in the claim, and thus anticipates the claim.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nisley in view of Kanamori (JP 2000-170222A), of record.

Nisley shows the claimed device except for a corrugated tube around the soft tube. Kanamori shows in Figures 9 and 10 a corrugated tube 23 surrounding the tube 22 leading to the service box. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have used such a corrugated tube around the tubes 22 of Nisely under the rationale set forth in *KSR v. Teleflex*, U.S._____, 127 S. Ct. 1727, 82 U.S.P.Q. 2d 1835 (2007) that the simple substitution of one known element for another to obtain predictable results is an indication of obviousness. In this case, the

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substitution of a corrugated tube and a supply tube for a supply tube alone would produce the predictable result of a supply tube to a service box.

Nisley shows a reducing socket 24 for connecting the flexible hose 32 to the soft tube 22. Face 78 is read as forming a maintenance hole and member 55, to which the tap 36 and the hoses 32 are connected, is read as an access plate. Face 78 is further read as a friction projection in that it is a projecting portion of enclosure 60, see column 4, lines 7-8. Fasteners 110 are read as comprising a latch.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nisley in view of Kanamori as applied above and further in view of Mulvey et al (US 6,106,027), of record.

Nisley, as modified, shows the claimed device except for a coil spring furnished with the flexible hose. Mulvey et al show a coil spring 110 furnished with a flexible hose. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have used such a coil spring with the flexible hose 32 of Nisley, as modified, under the rationale set forth in *KSR v. Teleflex*, U.S.____, 127 S. Ct. 1727, 82 U.S.P.Q. 2d 1835 (2007) that the simple substitution of one known element for another to obtain predictable results is an indication of obviousness. In this case, the predictable result would be a flexible hose connecting a soft tube to a tap. The use of stainless threads in the apparatus of Nisley, as modified, is seen to be an obvious matter of design choice in that connectors with threads and made of stainless material are notoriously old and well known in the art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912. The examiner can normally be reached on Monday-Saturday from 10am-6pm (Hoteling Program).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Fox/
Primary Examiner
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